

**Maine Revised Statutes**  
**Title 35-A: PUBLIC UTILITIES**  
**Chapter 7: REGULATION AND CONTROL OF PUBLIC UTILITIES**

**§711. JOINT USE OF EQUIPMENT**

**1. Joint use permitted.** The commission may order that joint use be permitted and prescribe reasonable compensation and reasonable terms and conditions for the joint use when, after a hearing had upon its own motion or upon complaint of a public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system affected, it finds the following:

A. That public convenience and necessity require the use by one public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system of the conduits, subways, wires, poles, pipes or other equipment, or any part of them, on, over or under any street or highway and belonging to another public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system; [ 2011, c. 623, Pt. B, §4 (AMD) . ]

B. That joint use will not result in irreparable injury to the owner or other users of the conduits, subways, wires, poles, pipes or other equipment or in any substantial detriment to the service; and [ 1987, c. 141, Pt. A, §6 (NEW) . ]

C. That the public utilities, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system have failed to agree upon the use or the terms and conditions or compensation for the use. [ 2011, c. 623, Pt. B, §4 (AMD) . ]

[ 2011, c. 623, Pt. B, §4 (AMD) . ]

**2. Liability of user.** If joint use is ordered, the public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system to whom the use is permitted is liable to the owner or other users of the conduits, subways, wires, poles, pipes or other equipment for damage that may result from its use to the property of the owner or other users.

[ 2011, c. 623, Pt. B, §4 (AMD) . ]

**3. Interests of cable television subscribers.** Any actions taken or orders issued by the commission under this section shall take into account the interests of the subscribers of the affected cable television system, as well as the customers of the affected public utilities.

[ 1987, c. 141, Pt. A, §6 (NEW) . ]

**4. Rules.** The commission shall adopt a rule governing the resolution of pole attachment rate disputes. The commission shall consider various formulas, including, but not limited to, the formula adopted by the Federal Communications Commission as codified in 47 Code of Federal Regulations, Part 1, Subpart J, as amended.

[ 1991, c. 708, §1 (NEW) . ]

**5. Dark fiber provider.** This section applies to a dark fiber provider only with respect to the construction and maintenance of federally supported dark fiber.

[ 2009, c. 612, §4 (NEW) . ]

**SECTION HISTORY**

1987, c. 141, §A6 (NEW). 1991, c. 708, §1 (AMD). 2009, c. 612, §4 (AMD). 2011, c. 623, Pt. B, §4 (AMD).

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